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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Rui Resendes, et al.  
Serial No. : 10/774,722  
Filed : February 9, 2004  
Attorney Docket : PO-8106/PS-1135  
Group Art Unit : 1714  
Examiner : Sandra K. Poulos

For: SILICA-FILLED ELASTOMERIC COMPOUNDS

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## DECLARATION OF COMMON OWNERSHIP PURSUANT TO 37 C.F.R. §1.78(4)(C)

1. U.S. Patent Application No. 10/301,167 filed November 21, 2002 and issued on March 21, 2006 as U.S. Patent No. 7,015,265 was owned by Bayer Inc. as of February 9, 2004, pursuant to an Assignment from Rui Resendes, et al. and in favor of Bayer Inc., executed on March 13, 2002 and April 17, 2002, and recorded on January 31, 2003 at Reel and Frame 013706/0627; and, subsequently assigned to Lanxess Inc., pursuant to an Assignment from Bayer Inc. executed on July 1, 2004, and recorded on February 18, 2006 at Reel and Frame 017186/0200; and
2. U.S. Patent Application No. 10/774,722 filed February 9, 2004 was owned by Bayer Inc., as of February 9, 2004 pursuant to an Assignment from Rui Resendes, et al., in favor of Bayer Inc., executed on January 20 and 26, 2004, and recorded on November 1, 2004, at Reel and Frame 015324/0386; and, subsequently assigned to Lanxess Inc., pursuant to an Assignment from Bayer Inc., executed on July 1, 2004, and recorded on February 18, 2006 at Reel and Frame 017186/0200.

3. Applicant hereby affirmatively states that the above referenced inventions were commonly owned at the time of the later filed application, specifically as of February 9, 2004.
4. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under §1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

LANXESS INC.

Date: September 29, 2006

By:   
Jennifer R. Seng  
Patent & Licensing Manager

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### APPENDIX III